



Paper No. 9

NAVAL MEDICAL RESEARCH CENTER  
ATTN: (CODE 00L)  
503 ROBERT GRANT AVENUE  
SILVER SPRING MD 20910-7500

**COPY MAILED**

**APR 10 2002**

**OFFICE OF PETITIONS**

**DECISION ON PETITIONS**

In re Application of  
Lee et al.  
Application No. 09/439,311  
Filed: November 12, 1999  
Attorney Docket No. 78,560  
FOR: A RECOMBINANT POLYPEPTIDE FOR  
USE IN THE MANUFACTURE OF VACCINES  
AGAINST CAMPLYLOBACTER-INDUCED  
DIARRHEA AND TO REDUCE  
COLONIZATION

This is a decision on This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application and the petition under 37 CFR 1.182 to change the order of inventorship. Both petitions were filed on January 3, 2002 (certificate of mailing date December 18, 2001)

The petition under 37 CFR 1.137(b) is **granted**.

The petition under 37 CFR 1.182 is **granted**.

This application became abandoned for failure to timely reply to the Office action mailed March 1, 2001, which set a one month or 30 day period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a), this application became abandoned on April 1, 2001. The filing of the petition under 37 CFR 1.137(b) precedes the mailing of A Notice of Abandonment.

The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

Regarding the petition under 37 CFR 1.182, the file is being forwarded to the Office of Initial Patent Examination for changing the order of inventors from:

1. Lanfong H. Lee
2. Patricia Guerry

3. Edward Burg
4. Trevor J. Trust

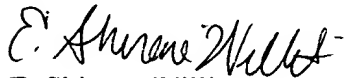
to:

1. Patricia Guerry
2. Lanfong H. Lee
3. Edward Burg
4. Trevor J. Trust

Thereafter, the application will be returned to Technology Center A.U. 1645 for consideration of the amendment filed on January 3, 2002 (certificate of mailing date December 18, 2001).

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs slightly from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6712.



E. Shirene Willis  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: SANA A PRATT  
COUNSEL FOR INTELLECTUAL PROPERTY  
NAVAL MEDICAL RESEARCH CENTER  
503 GRANT AVENUE  
SILVER SPRING, MD 20910